1 SNELL & WILMER L.L.P. Philip J. Graves, Bar No. 153441 2 pgraves@swlaw.com Greer N. Shaw, Bar No. 197960 3 gshaw@swlaw.com 350 South Grand Avenue 4 **Suite 2600** Two California Plaza Los Angeles, California 90071 Telephone: 213.929.2500 Facsimile: 213.929.2525 5 Facsimile: 6 7 Attorneys for Plaintiff James R. Glidewell Dental Ceramics, Inc. d/b/a 8 Glidewell Laboratories 9 UNITED STATES DISTRICT COURT 10 CENTRAL DISTRICT OF CALIFORNIA 11 12 JAMES R. GLIDEWELL DENTAL Case No. SACV11-01309-DOC(ANx) CERAMICS, INC. d/b/a GLIDEWELL LABORATORIES, a 13 PLAINTIFF'S FIRST AMENDED INITIAL DISCLOSURES UNDER California corporation, 14 F.R.C.P. 26(a)(1)(A)Plaintiff, 15 Honorable David O. Carter 16  $\mathbf{V}$ . KEATING DENTAL ARTS, INC., a 17 California corporation, 18 Defendant. 19 20 21 22 23 24 25 26 27 28 16060406 PLAINTIFF'S FIRST AMENDED INITIAL DISCLOSURES

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Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A), Plaintiff and Counter-defendant James R. Glidewell Dental Ceramics, Inc. d/b/a Glidewell Laboratories ("Glidewell") hereby provides its First Amended Initial Disclosures to Defendant and Counterclaimant Keating Dental Arts, Inc. ("Defendant").

Glidewell provides these first amended initial disclosures based on information reasonably available to Glidewell. These first amended initial disclosures are not, and should not be construed as, a statement that no other persons have knowledge of relevant facts or that no other relevant documents exist. Glidewell reserves the right to supplement or amend as may be appropriate in accordance with Federal Rule of Civil Procedure 26(e).

## INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT GLIDEWELL MAY USE TO SUPPORT ITS **CLAIMS AND/OR DEFENSES**

Individuals likely to have discoverable information that Glidewell may use to support its claims and/or defenses (excluding impeachment) are identified in the By indicating the general subject matter of information that an identified individual may possess, Glidewell does not represent that this is the only relevant information that these witnesses possess or may possess. Glidewell does not authorize or consent to Defendant contacting Glidewell's current or former employees, agents, representatives, and consultants except through Glidewell's counsel of record, and Glidewell does not consent to or authorize any communications otherwise prohibited by any applicable federal or state laws or rules of professional conduct.

NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
Jim Shuck, Vice	Facts related to the sales	Glidewell Laboratories,
President of Sales and	and marketing of	4141 MacArthur Boulevard,

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NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
Marketing	Glidewell's products	Newport Beach, CA 9266
	bearing the BRUXZIR	Tel.: 800-854-7265
	trademark.	May only be contacted on
		through Glidewell's couns
		Snell & Wilmer LLP.
Michael Cash,	Facts related to the sales	Glidewell Laboratories,
Marketing	and marketing of	4141 MacArthur Boulevan
	Glidewell's products	Newport Beach, CA 9266
	bearing the BRUXZIR	Tel.: 800-854-7265
	trademark.	May only be contacted on
		through Glidewell's couns
		Snell & Wilmer LLP.
Rudy Ramirez	Facts related to the	Glidewell Laboratories,
	strength of the BRUXZIR	4141 MacArthur Boulevan
	trademark.	Newport Beach, CA 9266
		Tel.: 800-854-7265
		May only be contacted on
		through Glidewell's couns
		Snell & Wilmer LLP.
Dr. Michael DiTolla	Facts related to the	Glidewell Laboratories,
	strength of the BRUXZIR	4141 MacArthur Boulevan
	trademark.	Newport Beach, CA 9266
		Tel.: 800-854-7265
		May only be contacted on

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NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
		Snell & Wilmer LLP.
Robin Carden, Senior	Facts related to the	Glidewell Laboratories,
Director Research &	industry recognition of the	4141 MacArthur Boulevar
Development	BRUXZIR trademark.	Newport Beach, CA 9266
		Tel.: 800-854-7265
		May only be contacted on
		through Glidewell's couns
		Snell & Wilmer LLP.
Wolfgang Friebauer,	Facts related to the	Glidewell Laboratories,
Director Research &	likelihood of public	4141 MacArthur Boulevar
Development &	confusion and damages	Newport Beach, CA 9266
Education	resulting from	Tel.: 800-854-7265
	Defendant's infringement	May only be contacted on
	of the BRUXZIR	through Glidewell's couns
	trademark.	Snell & Wilmer LLP.
Robin Bartolo	Facts related to the	Glidewell Laboratories,
	likelihood of public	4141 MacArthur Boulevar
	confusion and damages	Newport Beach, CA 9266
	resulting from	Tel.: 800-854-7265
	Defendant's infringement	May only be contacted on
	of the BRUXZIR	through Glidewell's couns
	trademark.	Snell & Wilmer LLP.
Catherine Bonser,	Facts related to the	Dentsply International,
Business Unit	industry recognition of the	500 West College Avenue
Manager	BRUXZIR trademark.	York, PA 17401

PLAINTIFF'S FIRST AMENDED INITIAL - 3 -DISCLOSURES

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$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$ NA	ME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
3 4			Tel.: 717-845-7511
5 Dr. Micha	el J.	Use of the terms "bruxer"	10271 Beach Dr.,
6 Fanning		and "bruxer crown" in the	Calabash, NC 28467
7		dental industry; facts	Tel.: 910-579-5260
8		indicating non-genericness	
9		of the BRUXZIR mark;	
[0]		facts indicating the	
		strength of the BRUXZIR	
12		mark and its indication of	
13		Glidewell Laboratories as	
14    15		a source of goods and	
		services; facts relating to	
16    17		likelihood of confusion	
18		between the BRUXZIR	
19		mark and "KDZ Bruxer."	
Dr. Vincer	nt S.	Use of the terms "bruxer"	815 Hartford Tpke,
Cianciulli		and "bruxer crown" in the	Waterford, CT 06385
22		dental industry; facts	Tel.: 860-444-0625
23		indicating non-genericness	
24		of the BRUXZIR mark;	
25		facts indicating the	
26		strength of the BRUXZIR	
27		mark and its indication of	
28		Glidewell Laboratories as	

	AME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
3		a source of goods and	
4		services; facts relating to	
5		likelihood of confusion	
6		between the BRUXZIR	
7		mark "KDZ Bruxer."	
8 Dr. Terei	nce J.	Use of the terms "bruxer"	225 Waukegan Rd,
Michiels		and "bruxer crown" in the	Lake Bluff, IL 60044
10		dental industry; facts	Tel.: 847-615-9422
		indicating non-genericness	
12     13		of the BRUXZIR mark;	
14		facts indicating the	
15		strength of the BRUXZIR	
16		mark and its indication of	
17		Glidewell Laboratories as	
18		a source of goods and	
19		services; facts relating to	
20		likelihood of confusion	
21		between the BRUXZIR	
22		mark and "KDZ Bruxer."	
23 Dr. Ilya I	Benjamin	Use of the terms "bruxer"	55 S Valle Verde Dr., Ste
24		and "bruxer crown" in the	Henderson, NV 89012
25		dental industry; facts	Tel.: 702-260-1890
26		indicating non-genericness	
27		of the BRUXZIR mark;	
28		facts indicating the	

$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
3			INFORMATION
4		strength of the BRUXZIR	
5		mark and its indication of	
6		Glidewell Laboratories as	
7		a source of goods and	
8		services; facts relating to	
9		likelihood of confusion	
10		between the BRUXZIR	
11		mark and "KDZ Bruxer."	
12 D	r. Dean Saiki	Use of the terms "bruxer"	3231 Waring Court,
13		and "bruxer crown" in the	Oceanside, CA 92056
		dental industry; facts	Tel.: 760-732-3456
14 Synoeies 14 Synoeies 15 Syn		indicating non-genericness	
16		of the BRUXZIR mark;	
17		facts indicating the	
18		strength of the BRUXZIR	
		mark and its indication of	
19		Glidewell Laboratories as	
20		a source of goods and	
21		services; facts relating to	
22		likelihood of confusion	
23		between the BRUXZIR	
24		mark and "KDZ Bruxer."	
	Pr. Thomas E. Bell	Use of the terms "bruxer"	126 Biggs Lane,
26		and "bruxer crown" in the	South Shore, KY 41175
27		dental industry; facts	Tel.: 606-932-3181

$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
3		indicating non-genericness	
4		of the BRUXZIR mark;	
5		facts indicating the	
6		strength of the BRUXZIR	
7		mark and its indication of	
8		Glidewell Laboratories as	
9		a source of goods and	
10		services; facts relating to	
11		likelihood of confusion	
12 l		between the BRUXZIR	
13 Series 13		mark and "KDZ Bruxer."	
O SANGELES, O	Dr. Robert	Use of the terms "bruxer"	10342 S. Kedzie Ave,
_ 15	McNicholas	and "bruxer crown" in the	Chicago, IL 60655
16		dental industry; facts	Tel.: 773-779-1983
17		indicating non-genericness	
18		of the BRUXZIR mark;	
19		facts indicating the	
20		strength of the BRUXZIR	
21		mark and its indication of	
22		Glidewell Laboratories as	
23		a source of goods and	
24		services; facts relating to	
25		likelihood of confusion	
26		between the BRUXZIR	
27 28		mark and "KDZ Bruxer."	

1 2	NAME	SUBJECT(S) OF	CONTACT
3	• • • • • • • • • • • • • • • • • • •	INFORMATION	INFORMATION
	Dr. Gregory Doneff	Use of the terms "bruxer"	200 Ashford Circle,
4		and "bruxer crown" in the	Dunwoody, GA 30338
5		dental industry; facts	Tel.: 770-396-1188
6 7		indicating non-genericness	
8		of the BRUXZIR mark;	
		facts indicating the	
9		strength of the BRUXZIR	
10		mark and its indication of	
11		Glidewell Laboratories as	
12		a source of goods and	
13		services; facts relating to	
14		likelihood of confusion	
15		between the BRUXZIR	
16 17		mark and "KDZ Bruxer."	
17	Dr. Benjamin An	Use of the terms "bruxer"	4869 Hannegan Road,
18		and "bruxer crown" in the	Bellingham, WA 98226
19		dental industry; facts	Tel.: 360-734-2429
20		indicating non-genericness	
21		of the BRUXZIR mark;	
22		facts indicating the	
23		strength of the BRUXZIR	
24		mark and its indication of	
25		Glidewell Laboratories as	
26		a source of goods and	
27 28		services; facts relating to	

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PLAINTIFF'S FIRST AMENDED INITIAL

1 2	NAME	SUBJECT(S) OF	CONTACT
3		INFORMATION	INFORMATION
4		likelihood of confusion	
5		between the BRUXZIR	
6		mark and "KDZ Bruxer."	
7	Dr. Kent J. Toca	Use of the terms "bruxer"	9532 Chapman Ave,
8		and "bruxer crown" in the	Garden Grove, CA 9284
9		dental industry; facts	Tel.: 714-539-8994
10		indicating non-genericness	
11		of the BRUXZIR mark;	
12		facts indicating the	
13		strength of the BRUXZIR	
$\begin{bmatrix} 13 \\ 14 \end{bmatrix}$		mark and its indication of	
15		Glidewell Laboratories as	
16		a source of goods and	
17		services; facts relating to	
18		likelihood of confusion	
		between the BRUXZIR	
19		mark and "KDZ Bruxer."	
20	Dr. Howard S. Cohen	Use of the terms "bruxer"	1200 Medical Avenue,
21		and "bruxer crown" in the	Plano, TX 75075
22		dental industry; facts	Tel.: 972-867-6500
23		indicating non-genericness	
24		of the BRUXZIR mark;	
25		facts indicating the	
26		strength of the BRUXZIR	
27 28		mark and its indication of	

NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
	Glidewell Laboratories as	
	a source of goods and	
	services; facts relating to	
	likelihood of confusion	
	between the BRUXZIR	
	mark and "KDZ Bruxer."	
Dr. Oscar Goren	Use of the terms "bruxer"	2 Rhawn Street,
	and "bruxer crown" in the	Philadelphia, PA 19152
	dental industry; facts	Tel.: 215-332-5259
	indicating non-genericness	
	of the BRUXZIR mark;	
	facts indicating the	
	strength of the BRUXZIR	
	mark and its indication of	
	Glidewell Laboratories as	
	a source of goods and	
	services; facts relating to	
	likelihood of confusion	
	between the BRUXZIR	
	mark and "KDZ Bruxer."	
Dr. Spencer D. Luke	Use of the terms "bruxer"	1011 Catherine St
	and "bruxer crown" in the	Salt Lake City, UT 8411
	dental industry; facts	801-596-3000
	indicating non-genericness	
	of the BRUXZIR mark;	

SNELL & WILMER

350 SOUTH GRAND AVENUE
SUITS GOOD
TWO CALIFORND PLAST
LOS ANCELES, CALIFORNIA 90071

1 2	NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
3		facts indicating the	
4		strength of the BRUXZIR	
5		mark and its indication of	
6 7		Glidewell Laboratories as	
8		a source of goods and	
9		services; facts relating to	
10		likelihood of confusion	
11		between the BRUXZIR	
		mark and "KDZ Bruxer."	
12 Dr.	Dennis A.	Use of the terms "bruxer"	4087 Medina Road,
13 Gais	shauser	and "bruxer crown" in the	Medina, OH 44256
15		dental industry; facts	Tel.: 330-725-3736
16		indicating non-genericness	
17		of the BRUXZIR mark;	
18		facts indicating the	
19		strength of the BRUXZIR	
20		mark and its indication of	
21		Glidewell Laboratories as	
22		a source of goods and	
23		services; facts relating to	
24		likelihood of confusion	
25		between the BRUXZIR	
26		mark and "KDZ Bruxer."	
27 Dr.	Chester A. Bizga	Use of the terms "bruxer"	6731 Ridge Rd., Ste. 20
28		and "bruxer crown" in the	Cleveland, OH 44129

NAME	SUBJECT(S) OF	CONTACT
IVAME	INFORMATION	INFORMATION
	dental industry; facts	Tel.: 440-884-6644
	indicating non-genericness	
	of the BRUXZIR mark;	
	facts indicating the	
	strength of the BRUXZIR	
	mark and its indication of	
	Glidewell Laboratories as	
	a source of goods and	
	services; facts relating to	
	likelihood of confusion	
	between the BRUXZIR	
	mark and "KDZ Bruxer."	
Dr. Valentine Ferraris	Use of the terms "bruxer"	580 MacArthur Boulevar
	and "bruxer crown" in the	Pocasset, MA 02559
	dental industry; facts	Tel.: 508-563-5549
	indicating non-genericness	
	of the BRUXZIR mark;	
	facts indicating the	
	strength of the BRUXZIR	
	mark and its indication of	
	Glidewell Laboratories as	
	a source of goods and	
	services; facts relating to	
	likelihood of confusion	
	between the BRUXZIR	

SNELL & WILMER

350 SOUTH GRAND AVENUE
SUITS GOOD
TWO CALIFORND PLAST
LOS ANCELES, CALIFORNIA 90071

$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	NAME	SUBJECT(S) OF	CONTACT
3		INFORMATION	INFORMATION
4		mark and "KDZ Bruxer."	
5	Dr. Paul Taylor	Use of the terms "bruxer"	4320 Genesee Avenue,
6		and "bruxer crown" in the	San Diego, CA 92117
7		dental industry; facts	Tel.: 858-277-8100
8		indicating non-genericness	
9		of the BRUXZIR mark;	
		facts indicating the	
10		strength of the BRUXZIR	
11		mark and its indication of	
12		Glidewell Laboratories as	
13		a source of goods and	
14		services; facts relating to	
15		likelihood of confusion	
16		between the BRUXZIR	
17		mark and "KDZ Bruxer."	
	Dr. Meredith S.	Use of the terms "bruxer"	1509 Ritchie Highway,
19	Esposito	and "bruxer crown" in the	Arnold, MD 21012
20		dental industry; facts	Tel.: 410-757-6200
21		indicating non-genericness	
22		of the BRUXZIR mark;	
23		facts indicating the	
24		strength of the BRUXZIR	
25		mark and its indication of	
26		Glidewell Laboratories as	
27		a source of goods and	

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DISCLOSURES

PLAINTIFF'S FIRST AMENDED INITIAL

,	NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
	3	services; facts relating to	
	4    -	likelihood of confusion	
	5	between the BRUXZIR	
	5	mark and "KDZ Bruxer."	
	7 Dr. Stuart R.	Use of the terms "bruxer"	115 North Main Street,
	Newman	and "bruxer crown" in the	New City, NY 10956
	9	dental industry; facts	Tel.: 845-634-9300
10		indicating non-genericness	
1 1200 17		of the BRUXZIR mark;	
Soon Tayler of the Plaza Fornia 90071		facts indicating the	
SUITE 2 SUITE 2 SUITE 2 SS, CALL		strength of the BRUXZIR	
Two Its		mark and its indication of	
1:		Glidewell Laboratories as	
10		a source of goods and	
17		services; facts relating to	
19		likelihood of confusion	
20		between the BRUXZIR	
2		mark and "KDZ Bruxer."	
22	Dr. Griffith	Use of the terms "bruxer"	6360 County Road 896, Ste
2:		and "bruxer crown" in the	202, Naples, FL 34116
2.		dental industry; facts	Tel.: 239-354-5353
2:		indicating non-genericness	
2.		of the BRUXZIR mark;	
2'		facts indicating the	
2		strength of the BRUXZIR	

NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION	
	mark and its indication of		
	Glidewell Laboratories as		
	a source of goods and		
	services; facts relating to		
	likelihood of confusion		
	between the BRUXZIR		
	mark and "KDZ Bruxer."		
Individuals identified	Facts related to the	Defendant's counsel, Knobbe	
by Defendant in	business of Defendant; the	Martens, Olson & Bear LLP	
Defendant's Third	infringement of the		
Amended Initial	BRUXZIR trademark;		
Disclosures and in	damages and harms		
response to	caused to Glidewell from		
interrogatories and	Defendant's infringement		
other discovery	of the BRUXZIR		
served by Glidewell.	trademark, and		
	Defendant's knowledge of		
	the BRUXZIR trademark		
	and its infringement		
	thereof.		

Other individuals not specifically known to Glidewell may possess relevant information. Glidewell, therefore, cannot reasonably identify all individuals who may have knowledge regarding factual matters relevant to the case. To the extent that such individuals hereafter become known, Glidewell will identify them as required by the Federal Rules of Civil Procedure and the Local Rules. Glidewell

reserves its right to object to any discovery requests or deposition notices concerning any individual listed above.

In addition, Glidewell expects to identify one or more experts to testify as to various issues, including damages, infringement, and validity. The identities of these individuals and the subject matter of their expected testimony have been and/or will be disclosed in accordance with the Federal Rules of Civil Procedure, the Local Rules, and the applicable scheduling order.

## II. DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND TANGIBLE THINGS THAT GLIDEWELL HAS IN ITS POSSESSION, CUSTODY, OR CONTROL THAT GLIDEWELL MAY USE TO SUPPORT ITS CLAIM AND/OR DEFENSES

Glidewell identifies the following documents and electronically stored information (collectively, "documents") and tangible things, by title and description by category, in Glidewell's possession, custody, or control that Glidewell may use to support its claim and/or defenses (excluding impeachment):

- 1) 2 pages of List of Semifinal Candidates for 2012 DrBicuspid Dental Excellence Awards BRUXZIR material as Best New Material;
- 2) 2-page Article entitled "Anterior BRUXZIR Sold zirconia Crown" dated September 13, 2011 by Michael D. DiTolla, D.D.S.;
- 3) 2-page Article entitled "Gordon Christensen on BRUXZIR From Dental Economics dated April 13, 2011;
- 4) 2-page Ad from Acutech Dental Milling Center regarding BRUXZIR Solid Zirconia restorations;
- 5) 3-page Ad from DAL Dental Arts Laboratory regarding BRUXZIR Solid Zirconia restorations;
- 6) 1-page Article from Keller Laboratories regarding BRUXZIR Zirconia Crowns;
  - 7) 3-page Article/Ad from Somer Dental Labs regarding BRUXZIR

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- 8) 3-page Article regarding Anterior BRUXZIR solid zirconia crowns by Michael DiTolla, D.D.S. from Dental Economics;
- 9) 2-page Article entitled "BRUXZIR vs. PFM: New Zirconia Vs. Old Tried And True";
- 10) 1-page Article entitled "Tosoh Recognizes BRUXZIR" dated February 2011 from Inside Dental Technology, Vol. 2, Issue 2;
- 11) 2-page Press Release from MobileTek Dental Labs regarding BRUXZIR Solid Zirconia restorations;
- 12) 1-page Article regarding Whip Mix/Glidewell partnership for BRUXZIR zirconia restorations;
- 13) 2-page Article entitled "Moving To Monolithic" from Inside Dental Technology January, 2011, Vol. 2, Issue 1;
- 14) 4-page Article from LabPages regarding CEREC® and noting BRUXZIR Solid Zirconia;
- 15) 2-page Article from Substructures entitled "Glidewell Dental Labs Introduces BRUXZIR Solid Zirconia Crowns and Bridges";
- 16) 3-page Article entitled "Crowns And Fixed Prostheses: State Of The Art";
  - 17) 2-page List of Authorized BRUXZIR Laboratories;
- 18) Various Glidewell BRUXZIR advertisements and various Keating KDZ Bruxer advertisements;
- 19) 1-page graph of monthly sales of BRUXZIR vs. PFM by Glidewell from June '09 to October '11;
- 20) Communication from Catherine Bonser to Jim Shuck regarding: Recognition of BRUXZIR brand;
  - 21) The prosecution file history for the BRUXZIR trademark;

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**EXHIBIT 140** 

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- 22) Documents and things evidencing or otherwise relating to the nongeneric nature of the BRUXZIR trademark;
- Documents and things evidencing or otherwise relating to secondary 23) meaning of the BRUXZIR trademark;
- Documents and things evidencing or otherwise relating to actual or 24) likely confusion concerning the BRUXZIR trademark and "KDZ Bruxer";
- Documents and things evidencing or otherwise relating to Glidewell's use of the BRUXZIR trademark, including but not limited to the sales and marketing of Glidewell's products bearing its BRUXZIR trademark;
- Documents and things evidencing or otherwise relating to Glidewell's goodwill derived from its BRUXZIR trademark, including but not limited to the value and industry recognition of Glidewell's BRUXZIR trademark;
- 27) Documents and things evidencing or otherwise relating to Defendant's infringement of Glidewell's BRUXZIR trademark;
- Documents and things evidencing or otherwise relating to Glidewell's 28) damages and harms suffered as a result of Defendant's infringement of Glidewell's BRUXZIR trademark, including but not limited to Glidewell's loss of profits, damage to Glidewell's goodwill and reputation, and diminution in the value of Glidewell's BRUXZIR trademark.

Glidewell expressly reserves the right to rely on witnesses and documents and things not listed herein and which may become known through discovery during the course of this Action to supplement these disclosures pursuant to Federal Rule of Civil Procedure 26(e). Tangible items will be made available for inspection, if requested, at a time and place to be agreed upon between counsel.

## III. **COMPUTATION OF DAMAGES**

Glidewell seeks damages and injunctive relief with respect to the claims presented in the Complaint. At this time, Glidewell has not calculated its damages and is not in possession of the information necessary to do so. Defendant's

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infringement of Glidewell's trademark is continuing and therefore Glidewell's
damages continue to mount and cannot be precisely calculated at this time.
Glidewell expects to seek and be awarded monetary relief including: (1) defendant's
profits, (2) damages sustained by Glidewell, and (3) the costs of the action. 15
U.S.C. § 1117(a). Glidewell expects to recover up to treble damages upon showing
defendant's bad faith. To the extent available under applicable law, Glidewell
expects to seek and recover:

- 1) Glidewell's attorneys' fees and costs;
- 2) Damages to Glidewell's business reputation and goodwill;
- 3) Defendant's profits resulting from Defendant's infringement;
- 4) Glidewell's employee time;
- 5) Glidewell's lost profits resulting from Defendant's infringement;
- 6) Defendant's interference with Glidewell's existing and/or prospective business relationships;
- 7) Interests and costs;
- 8) Glidewell's out-of-pocket expenses;
- 9) Punitive damages;
- 10) Others damages that the Court may deem appropriate and equitable under the circumstances.

## IV. **INSURANCE**

Glidewell is investigating the existence, if any, of insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

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	1	Dated:	October 29, 2012	SNELL	& WILMER L.L.P.
	2				
	3			By: <u>/s/ P</u> Phil	<i>Philip J. Graves</i> ip J. Graves er N. Shaw
	4				
	5			Attorne James F	ys for Plaintiff A. Glidewell Dental Ceramics, /a Glidewell Laboratories
	6			Inc. d/b	/a Glidewell Laboratories
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		16060406		- 20 -	PLAINTIFF'S FIRST AMENDED INITIAL DISCLOSURES
					EXHIBIT 140

PROOF OF SERVICE I am over the age of eighteen years and not a party to this action. My business address is SNELL & WILMER LLP, 350 South Grand Ave, Suite 2600, 2 Los Angeles, California 90071. 3 On October 29, 2012, I served the following document entitled: 4 PLAINTIFF'S FIRST AMENDED INITIAL DISCLOSURES UNDER F.R.C.P. 26(a)(1)(A)5 on all interested parties to this action in the manner prescribed as follows: 6 Attorneys for Plaintiffs and Counterclaimants KNOBBE, MARTENS, OLSON & BEAR, LLP Lynda 1. Zadra-Symes (SBN 156,511) Lynda.Zadra-Symes@kmob.com
Jeffrey L. Van Hoosear(SBN: 147,751) 7 8 Jeffrey. Van Hoosear@kmob. com David G. Jankowski (SBN 205,634) 9 David.Jankowski@kmob.com 10 2040 Main Street, Fourteenth Floor Irvine, CA 92614 11 Phone: (949) 760-0404 Facsimile: (949) 760-9502 TWO CALIFORNIA PLAZA LOS ANGELES, CALIFORNIA 90071 12 I placed true and correct copies of the document(s) in sealed envelope(s) addressed to the above addressee(s). I am readily familiar with Snell & Wilmer LLP's practice for collecting and MAIL: 13 processing of correspondence for mailing with the United States 14 Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited 15 with the United States Postal Service the same day as it is placed for collection. 16 FAX: I caused the within document to be transmitted via facsimile 17 transmission to the above addressee(s) at the above facsimile numbers before 5:00 p.m. on the above date. 18 EMAIL: I transmitted true copies of the within document (without exhibits) 19 electronically by means of email to the above addressee(s) at the above email address(es). 20 I caused the within document to be hand-delivered to Lynda J. HAND: 21 Zadra-Symes at the offices of Knobbe, Martens, Olson & Bear, LLP. 22 FEDEX: I caused the within document to be delivered by Federal Express 23 addressee(s) at the above address(es). 24 I declare that I am employed by a member of the bar at whose direction such service was made. 25 Executed on October 29, 2012, at Los Angeles, California. 26 /s/ Christophe r B. Pinzon 27 Christopher B. Pinzon 28 16060406 PLAINTIFF'S FIRST AMENDED INITIAL - 21 -**DISCLOSURES**